

ALAN W. WESTBROOK, ESQ.
Nevada Bar No. 06167
PERRY & WESTBROOK, P.C.
1701 West Charleston Blvd., Suite 200
Las Vegas, Nevada 89102
Telephone: (702) 870-2400
Email: awestbrook@perrywestbrook.com

KEVIN C. SCHIFERL, ESQ. (pro hac vice)
Indiana Bar No. 14138-49
STEPHANIE V. MCGOWAN, ESQ. (pro hac vice)
Indiana Bar No. 30759-49
FROST BROWN TODD LLC
201 N. Illinois Street, Suite 1900
P.O. Box 44961
Email: kschiferl@fbtlaw.com
smcgowan@fbtlaw.com

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VICTORIA DICILLO, individually,)	CASE NO.: 2:18-cv-00729-JCM-EJY
)	
Plaintiff,)	
)	
v.)	
)	<u>STIPULATION AND ORDER</u>
GGP MEADOWS MALL L.L.C.; FOREVER)	<u>RESETTING CASE MANAGEMENT</u>
21 RETAIL, INC.; SCHINDLER)	<u>PLAN AND OTHER RELATED</u>
ELEVATOR CORPORATION; DOES I)	<u>DEADLINES</u>
through X, inclusive; ROE)	
CORPORATIONS XI through XX, inclusive,)	
)	
Defendants.)	

Pursuant to LR 6-1, LR 26-1, and LR 26-3, the parties, by and through their respective counsel of record, hereby stipulate and request that the Court reset the following Case Management Plan and Other Related Deadlines as follows:

1 1. On October 2, 2019, Defendant Forever 21 filed its Notice of Bankruptcy for
2 Forever 21, Inc., et al., and Automatic Stay of Proceedings noting that Forever 21 filed a voluntary
3 petition for relief under chapter 11 of title 11 of the United States Code 11 U.S.C. §§ 101-1532, in
4 the United States Bankruptcy Court for the District of Delaware. (Dkt. 49.) Pursuant to section
5 362(a) of the Bankruptcy Code, Forever 21's filing of its voluntary petition gave rise to an
6 automatic stay on all proceedings.
7

8 2. On October 21, 2019, the Court granted Defendants' Unopposed Motion to Vacate
9 Discovery and Pretrial Deadlines Due to Automatic Bankruptcy Stay. (Dkt. 52.) Then, on October
10 28, 2019, the Court issued its Order denying Defendants' Motion to Strike Plaintiff's Untimely
11 Disclosure of Expert Opinions Related to Future Medical Expenses without prejudice and noted
12 that Defendants could refile said Motion once the bankruptcy stay is lifted. (Dkt. 53.)
13

14 3. On February 9, 2021, Plaintiff filed her Notice of Lifting Bankruptcy Stay notifying
15 the Court that on December 11, 2020, the United States Bankruptcy Court entered an order lifting
16 the automatic stay and allowing Plaintiff to pursue her claims. (Dkt. 60.)
17

18 4. On March 24, 2021, the Court issued an Order lifting the bankruptcy stay. (Dkt.
19 67.)

20 5. On March 26, 2021, the Court held a status conference where it granted the parties'
21 Joint Motion for Status Conference and ordered the parties to file a stipulation regarding discovery
22 plan/scheduling order. (Dkt. 68.)
23

24 6. The parties have agreed to the following deadlines:

- 25 a. April 15, 2021 – deadline for Defendants to notify the Court and Plaintiff
26 whether they intend to renew their Motion to Strike Plaintiff's Untimely
27
28

1 Disclosure of Expert Opinions Related to Future Medical Expenses. (Dkt.
2 47.)

3 b. April 23, 2021 – deadline for Defendant Schindler to respond to Plaintiff's
4 Second Set of Requests for Production and Second Set of Requests for
5 Admission and for Defendant Forever 21 to respond to Plaintiff's Third Set
6 of Requests for Production and Second Set of Requests for Admission.
7

8 c. July 30, 2021 – the parties have until July 30, 2021 to complete the
9 following limited discovery that was either scheduled or requested prior to
10 the filing of bankruptcy by Forever 21: (1) Defendant Schindler to respond
11 to Plaintiff's Second Set of Requests for Production and Second Set of
12 Requests for Admission and for Defendant Forever 21 to respond to
13 Plaintiff's Third Set of Requests for Production and Second Set of Requests
14 for Admission; (2) the deposition of Schindler's FRCP 30(b)(6) witness; (3)
15 the deposition of Forever 21's FRCP 30(b)(6) witness; (4) the deposition of
16 Dr. Germin; (5) the deposition of Dr. Newman; (6) the deposition of Mr.
17 Koshak; and (7) the deposition of Jim Dicillo. The parties expressly reserve
18 their right to depose individuals who may be identified in these depositions
19 and conduct additional written discovery on matters testified to at the
20 aforementioned depositions.
21
22

23 d. August 30, 2021 – dispositive motion deadline.

24 e. September 30, 2021 – pre-trial order deadline.
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28

WHEREFORE, Plaintiff and Defendants, by their respective counsel, respectfully request that the Court enter an order regarding the above case management plan and other related deadlines, and all other just and proper relief.

DATED this 15th day of April, 2021.

<u>/s/ Joshua L. Benson (with permission)</u> Joshua L. Benson, Esq. Nevada Bar No. 10514 BENSON ALLRED, PLLC 6250 N. Durango Drive Las Vegas, NV 89148 josh@bensonallred.com <i>Attorneys for Plaintiff</i>	<u>/s/ Stephanie V. McGowan</u> Alan W. Westbrook, Nevada #6167 Nevada State Bar No. 6167 PERRY & WESTBROOK, P.C. 1701 W Charleston Boulevard, Suite 200 Las Vegas, NV 89102 awestbrook@perrywestbrook.com and Kevin C. Schiferl (pro hac vice) Indiana Bar No. 14138-49 Stephanie V. McGowan (pro hac vice) Indiana Bar No. 30759-49 FROST BROWN TODD LLC 201 N. Illinois Street, Suite 1900 P.O. Box 44961 kschiferl@fbtlaw.com smcgowan@fbtlaw.com <i>Attorneys for Defendants</i>
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Case No. 2:18-cv-00729-JCM-EJY

ORDER

That the Case Management Plan and related deadlines are reset as follows:

Scheduled Event	Reset Deadline Date:
Deadline for Defendants to Notify Court regarding Motion to Strike Plaintiff's Untimely Disclosure of Expert Opinions Related to Future Medical Expenses	April 15, 2021
Deadlines for Defendants Schindler and Forever 21 to respond to Plaintiff's written discovery	April 23, 2021
Close of Discovery	July 30, 2021
Dispositive Motions	August 30, 2021
Pre-Trial Order	September 30, 2021

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

Dated: April 15, 2021

PERRY & WESTBROOK
A Professional Corporation

/s/ Alan W. Westbrook
ALAN W. WESTBROOK, ESQ.
Nevada Bar No. 6167
1701 W. Charleston Blvd., Suite 200
Las Vegas, Nevada 89102
Telephone: (702) 870-2400
Email: awestbrook@perrywestbrook.com
Attorney for Defendants